

# Draft

## PERMIT

**Permit No:** 201002468-KF

**Municipality:** Darien

**Work Area:** Ziegler's Cove off property located at 161 Long Neck Point Road

**Permittee:** Hay Island Trust  
161 Long Neck Point Road  
Darien, CT 06820

Pursuant to sections 22a-359 through 22a-363f and sections 22a-28 through 22a-35 of the Connecticut General Statutes ("CGS") and in accordance with CGS section 22a-98, and the Connecticut Water Quality Standards dated December 2002, a permit is hereby granted by the Commissioner of Environmental Protection ("Commissioner") to install a shared dock for private recreational boating use as is more specifically described below in the SCOPE OF AUTHORIZATION, in Ziegler's Cove off property identified as the "work area" above. A portion of the work area is an area of tidal wetlands.

### **\*\*\*\*\*NOTICE TO PERMITTEES AND CONTRACTORS\*\*\*\*\***

**UPON INITIATION OF ANY WORK AUTHORIZED HEREIN, THE PERMITTEE ACCEPTS AND AGREES TO COMPLY WITH ALL TERMS AND CONDITIONS OF THIS PERMIT. FAILURE TO CONFORM TO THE TERMS AND CONDITIONS OF THIS PERMIT MAY SUBJECT THE PERMITTEE AND ANY CONTRACTOR TO ENFORCEMENT ACTIONS, INCLUDING INJUNCTIONS AS PROVIDED BY LAW AND PENALTIES UP TO \$1,000.00 PER DAY PURSUANT TO THE ADMINISTRATIVE CIVIL PENALTY POLICY DESCRIBED IN SECTIONS 22a-6b-1 THROUGH 22a-6b-15 OF THE REGULATIONS OF CONNECTICUT STATE AGENCIES.**

### **SCOPE OF AUTHORIZATION**

The Permittee is hereby authorized to conduct the following work as described in application #201002468-KF including six sheets of plans dated April 23, 2010, submitted by the Permittee to the Commissioner and attached hereto, as follows:

install a 4' x 28' timber pier, a 3' x 40' gangway, and an 8' x 25' floating dock.

### **SPECIAL TERMS AND CONDITIONS**

1. The Permittee shall establish a minimum of a 1 foot setback from any wetlands or watercourses in and adjacent to the area where work is to be conducted or areas which are to be used for access to the work area. Such setback area(s) shall be flagged so as to be readily identifiable by contractor

personnel until the work authorized hereunder is completed.

2. Except as specifically authorized by this permit, no equipment or material, including but not limited to, fill, construction materials, excavated material or debris, shall be deposited, placed or stored in any wetland or watercourse on or off-site, or within any delineated setback area, nor shall any wetland, watercourse or delineated setback area be used as a staging area or accessway other than as provided herein.
3. Prior to the commencement of work authorized herein, the Permittee shall record a Shared Dock Agreement on the Town of Darien Land Records for the properties identified on sheet 6 attached hereto as "Lot 12 " and "Lot 12-A ." The dock authorized herein shall be the sole means of littoral access for lot 12-A. Prior to filing such agreement with the Town, a copy of said agreement language shall be forwarded to the Commissioner for her review and written approval. Work authorized herein shall not commence until the Permittee has received such written approval and the agreement has been recorded on the land records. If said agreement is revoked, modified or cancelled without the written approval of the Commissioner, this permit shall become null and void and the structure authorized herein must be immediately removed.
4. The Permittee shall ensure that all work associated with the driving of piles by a water-based barge be conducted during periods of high water only in order to ensure that the barge does not rest on or come in contact with bottom substrates. Any such barge must move to deeper waters during periods of low water. It shall not be a defense to this provision for the Permittee to assert that they have no control over the operation of the barge.
5. During the time that pilings are being driven pursuant to SPECIAL TERMS AND CONDITIONS paragraph 4., above, the Permittee shall ensure that the barge used for such work does not rest on or come in contact with the bottom of Ziegler's Cove.
6. Not later than two weeks prior to the commencement of any work authorized herein, the Permittee shall submit to the Commissioner, on the form attached hereto as Appendix A, the name(s) and address(es) of any contractor(s) employed to conduct such work and the expected date for commencement and completion of such work.
7. The Permittee shall give a copy of this permit to the contractor(s) who will be carrying out the activities authorized herein prior to the start of construction and shall receive a written receipt for such copy, signed and dated by such contractor(s). The Permittee's contractor(s) shall conduct all operations at the site in full compliance with this permit and, to the extent provided by law, may be held liable for any violation of the terms and conditions of this permit.
8. On or before (a) 90 days after completion of the work authorized herein, or (b) upon expiration of the work completion date or any authorized one year extension thereof, whichever is earlier, the Permittee shall submit to the Commissioner "as-built" plans prepared and sealed by a licensed engineer, licensed surveyor or licensed architect, as applicable, of the work area showing all tidal datums and structures.

#### **GENERAL TERMS AND CONDITIONS**

1. All work authorized by this permit shall be completed within five years from date of issuance of this permit ("work completion date") in accordance with all conditions of this permit and any other applicable law.
  - a. The Permittee may request a one-year extension of the work completion date. Such request shall be in writing and shall be submitted to the Commissioner at least 30 days prior to said work completion date. Such request shall describe the work done to date, work which still needs to be completed and the reason for such extension. The Commissioner shall grant or deny such request at her sole discretion.
  - b. Any work authorized herein conducted after said work completion date or any authorized one-year extension thereof is a violation of this permit and may subject the Permittee to enforcement action, including penalties, as provided by law.
2. In conducting the work authorized herein, the Permittee shall not deviate from the attached plans, as may be modified by this permit. The Permittee shall not make de minimis changes from said plans without prior written approval of the Commissioner.
3. The Permittee shall maintain all structures or other work authorized herein in good condition. Any such maintenance shall be conducted in accordance with applicable law including, but not limited to, CGS sections 22a-28 through 22a-35 and CGS sections 22a-359 through 22a-363f.
4. Prior to the commencement of any work authorized hereunder, the Permittee shall cause a copy of this permit to be given to any contractor(s) employed to conduct such work. At the work area the Permittee shall, whenever work is being performed, make available for inspection a copy of this permit and the final plans for the work authorized herein.
5. The Permittee shall notify the Commissioner in writing of the commencement of any work and completion of all work authorized herein no later than three days prior to the commencement of such work and no later than seven days after the completion of such work.
6. All waste material generated by the performance of the work authorized herein shall be disposed of by the Permittee at an upland site approved for the disposal of such waste material, as applicable.
7. In undertaking the work authorized hereunder, the Permittee shall not cause or allow pollution of wetlands or watercourses, including pollution resulting from sedimentation and erosion. For purposes of this permit, "pollution" means "pollution" as that term is defined by CGS section 22a-423.
8. Upon completion of any work authorized herein, the Permittee shall restore all areas impacted by construction, or used as a staging area or accessway in connection with such work, to their condition prior to the commencement of such work.
9. Any document required to be submitted to the Commissioner under this permit or any contact required to be made with the Commissioner shall, unless otherwise specified in writing by the Commissioner, be directed to:

Permit Section  
Office of Long Island Sound Programs  
Department of Environmental Protection  
79 Elm Street  
Hartford, Connecticut 06106-5127  
(860) 424-3034  
Fax # (860) 424-4054

10. The date of submission to the Commissioner of any document required by this permit shall be the date such document is received by the Commissioner. The date of any notice by the Commissioner under this permit, including but not limited to notice of approval or disapproval of any document or other action, shall be the date such notice is personally delivered or the date three days after it is mailed by the Commissioner, whichever is earlier. Except as otherwise specified in this permit, the word "day" as used in this permit means calendar day. Any document or action which is required by this permit to be submitted or performed by a date which falls on a Saturday, Sunday or a Connecticut or federal holiday shall be submitted or performed on or before the next day which is not a Saturday, Sunday, or a Connecticut or federal holiday.
11. The work specified in the SCOPE OF AUTHORIZATION is authorized solely for the purpose set out in this permit. No change in the purpose or use of the authorized work or facilities as set forth in this permit may occur without the prior written authorization of the Commissioner. The Permittee shall, prior to undertaking or allowing any change in use or purpose from that which is authorized by this permit, request authorization from the Commissioner for such change. Said request shall be in writing and shall describe the proposed change and the reason for the change.
12. This permit may be revoked, suspended, or modified in accordance with applicable law.
13. This permit is not transferable without prior written authorization of the Commissioner. A request to transfer a permit shall be submitted in writing and shall describe the proposed transfer and the reason for such transfer. The Permittee's obligations under this permit shall not be affected by the passage of title to the work area to any other person or municipality until such time as a transfer is authorized by the Commissioner.
14. The Permittee shall allow any representative of the Commissioner to inspect the work authorized herein at reasonable times to ensure that it is being or has been accomplished in accordance with the terms and conditions of this permit.
15. In granting this permit, the Commissioner has relied on representations of the Permittee, including information and data provided in support of the Permittee's application. Neither the Permittee's representations nor the issuance of this permit shall constitute an assurance by the Commissioner as to the structural integrity, the engineering feasibility or the efficacy of such design.
16. In the event that the Permittee becomes aware that he did not or may not comply, or did not or may not comply on time, with any provision of this permit or of any document required hereunder, the Permittee shall immediately notify the Commissioner and shall take all reasonable steps to ensure that any noncompliance or delay is avoided or, if unavoidable, is minimized to the greatest extent possible. In so notifying the Commissioner, the Permittee shall state in writing the reasons for the noncompliance or delay and propose, for the review and written approval of the Commissioner, dates

by which compliance will be achieved, and the Permittee shall comply with any dates which may be approved in writing by the Commissioner. Notification by the Permittee shall not excuse noncompliance or delay and the Commissioner's approval of any compliance dates proposed shall not excuse noncompliance or delay unless specifically stated by the Commissioner in writing.

17. In evaluating the application for this permit the Commissioner has relied on information and data provided by the Permittee and on the Permittee's representations concerning site conditions, design specifications and the proposed work authorized herein, including but not limited to representations concerning the commercial, public or private nature of the work or structures authorized herein, the water-dependency of said work or structures, its availability for access by the general public, and the ownership of regulated structures or filled areas. If such information proves to be false, deceptive, incomplete or inaccurate, this permit may be modified, suspended or revoked, and any unauthorized activities may be subject to enforcement action.
18. The Permittee may not conduct work waterward of the high tide line or in tidal wetlands at this permit site other than the work authorized herein, unless otherwise authorized by the Commissioner pursuant to CGS section 22a-359 et. seq. and/or CGS section 22a-32 et. seq.
19. The issuance of this permit does not relieve the Permittee of his obligations to obtain any other approvals required by applicable federal, state and local law.
20. Any document, including but not limited to any notice, which is required to be submitted to the Commissioner under this permit shall be signed by the Permittee and by the individual or individuals responsible for actually preparing such document, each of whom shall certify in writing as follows: "I have personally examined and am familiar with the information submitted in this document and all attachments and certify that based on reasonable investigation, including my inquiry of those individuals responsible for obtaining the information, the submitted information is true, accurate and complete to the best of my knowledge and belief, and I understand that any false statement made in this document or its attachments may be punishable as a criminal offense."

21. This permit is subject to and does not derogate any present or future property rights or powers of the State of Connecticut, and conveys no property rights in real estate or material nor any exclusive privileges, and is further subject to any and all public and private rights and to any federal, state or local laws or regulations pertinent to the property or activity affected hereby.

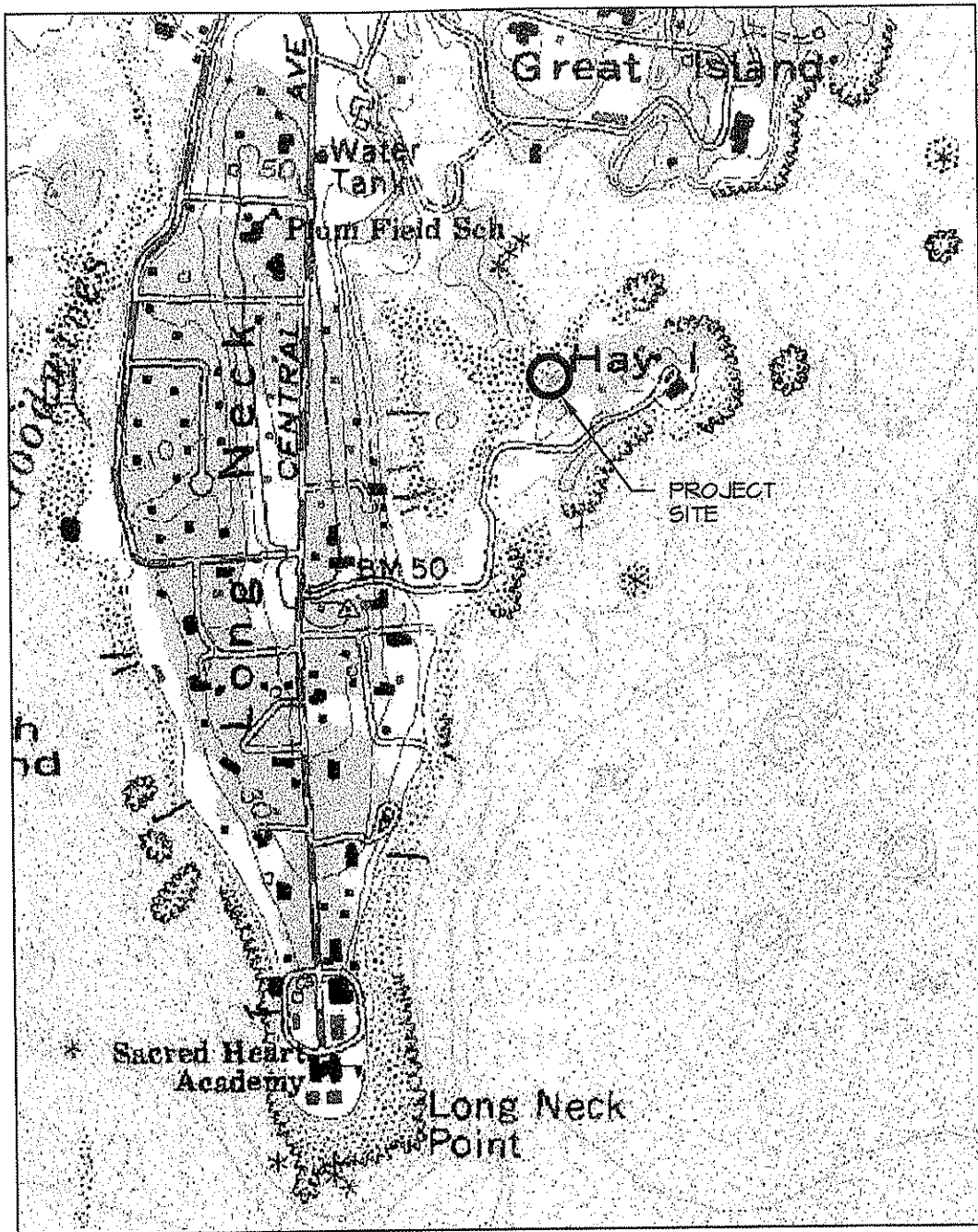
Issued on \_\_\_\_\_, 2010

STATE OF CONNECTICUT  
DEPARTMENT OF ENVIRONMENTAL PROTECTION

\_\_\_\_\_  
**Betsey Wingfield**  
**Bureau Chief**  
**Bureau of Water Protection and Land Reuse**

**Permit Application No. 201002468-KF**  
Hay Island Trust

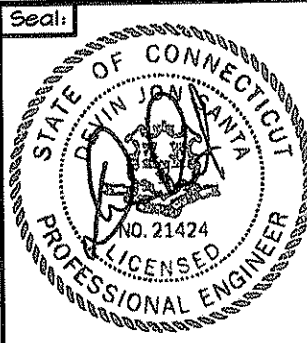
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**VICINITY MAP**  
SCALE: 1" = 1,000'

VICINITY MAP TAKEN FROM USGS  
TOPOGRAPHIC MAP: STAMFORD QUADRANGLE

Drawn By: JMD  
Checked By: DJS  
Datum: N/A  
Scale: 1" = 1,000'  
Date: 04-23-10  
Rev:  
Project #: 200932



Project:

CT-DEP PERMIT APPLICATION  
FOR RESIDENTIAL PIER  
RAMP & FLOATING DOCK  
ZIEGLERS COVE - L.I.S.

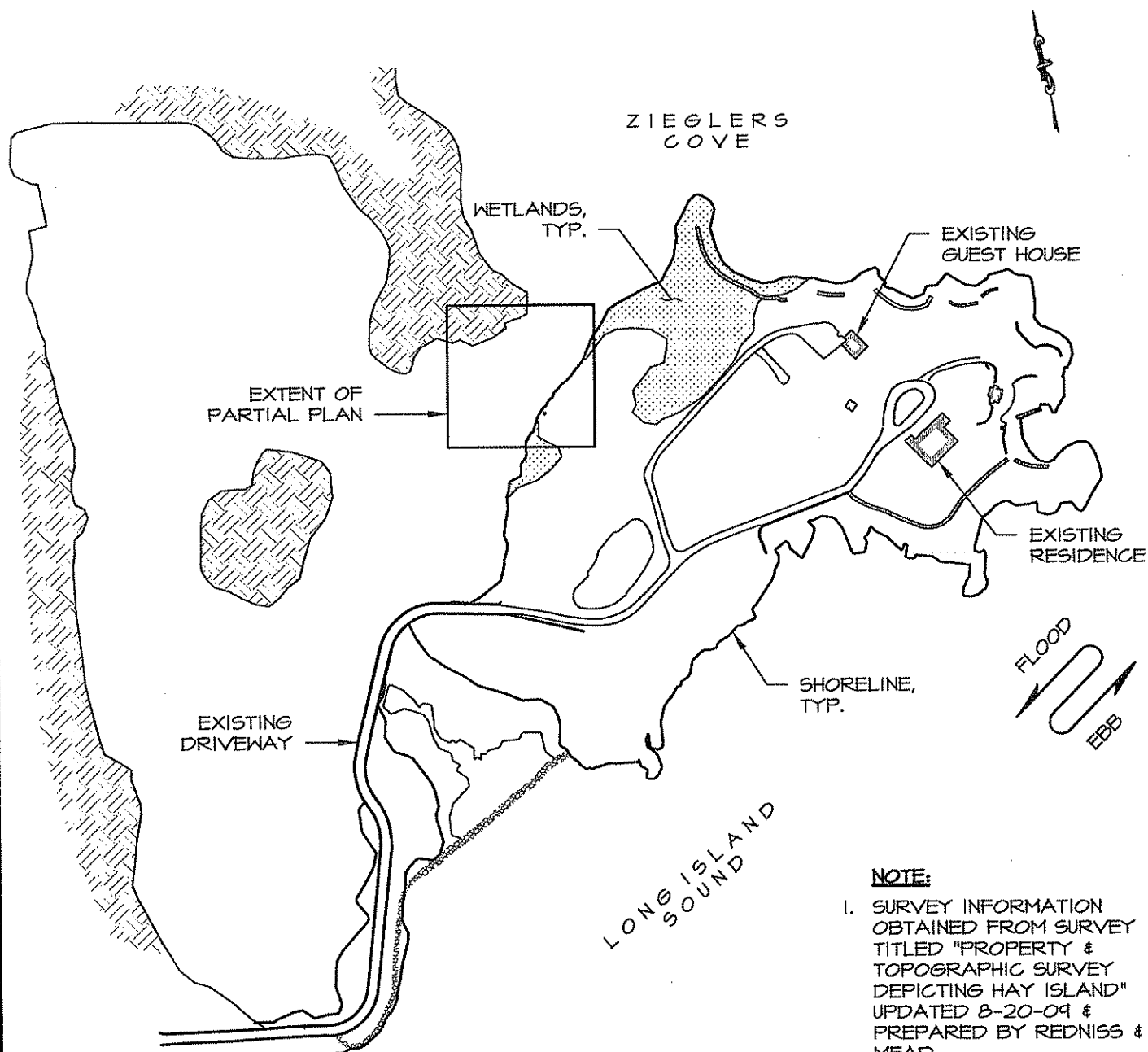
Applicant:

HAY ISLAND TRUST  
161 LONG NECK POINT ROAD  
DARIEN, CT 06820

**RACE**  
ROBERGE ASSOCIATES  
Coastal Engineers, LLC

2499 Main Street, Unit F, Stratford, CT 06615  
Tel: 203-377-0663 www.racellc.com

Sheet 1 of 5



# **EXISTING SITE PLAN**

SCALE: 1" = 300'

## **NOTE:**

1. SURVEY INFORMATION OBTAINED FROM SURVEY TITLED "PROPERTY & TOPOGRAPHIC SURVEY DEPICTING HAY ISLAND" UPDATED 8-20-09 & PREPARED BY REDNISS & MEAD.
2. ADDITIONAL SURVEY DATA WATERWARD OF MHW OBTAINED BY RACE, LLC ON 9-10-09, 9-16-09 & 10-13-09.

Drawn By: JMD

Checked By: DJS

Datum: NAVD 1929

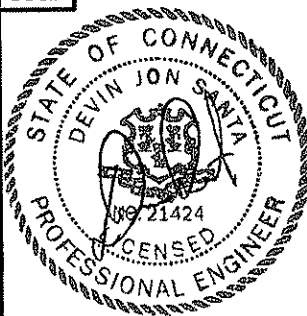
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Date: 04-23-10

Rev:

Project #: 200932

Seal:



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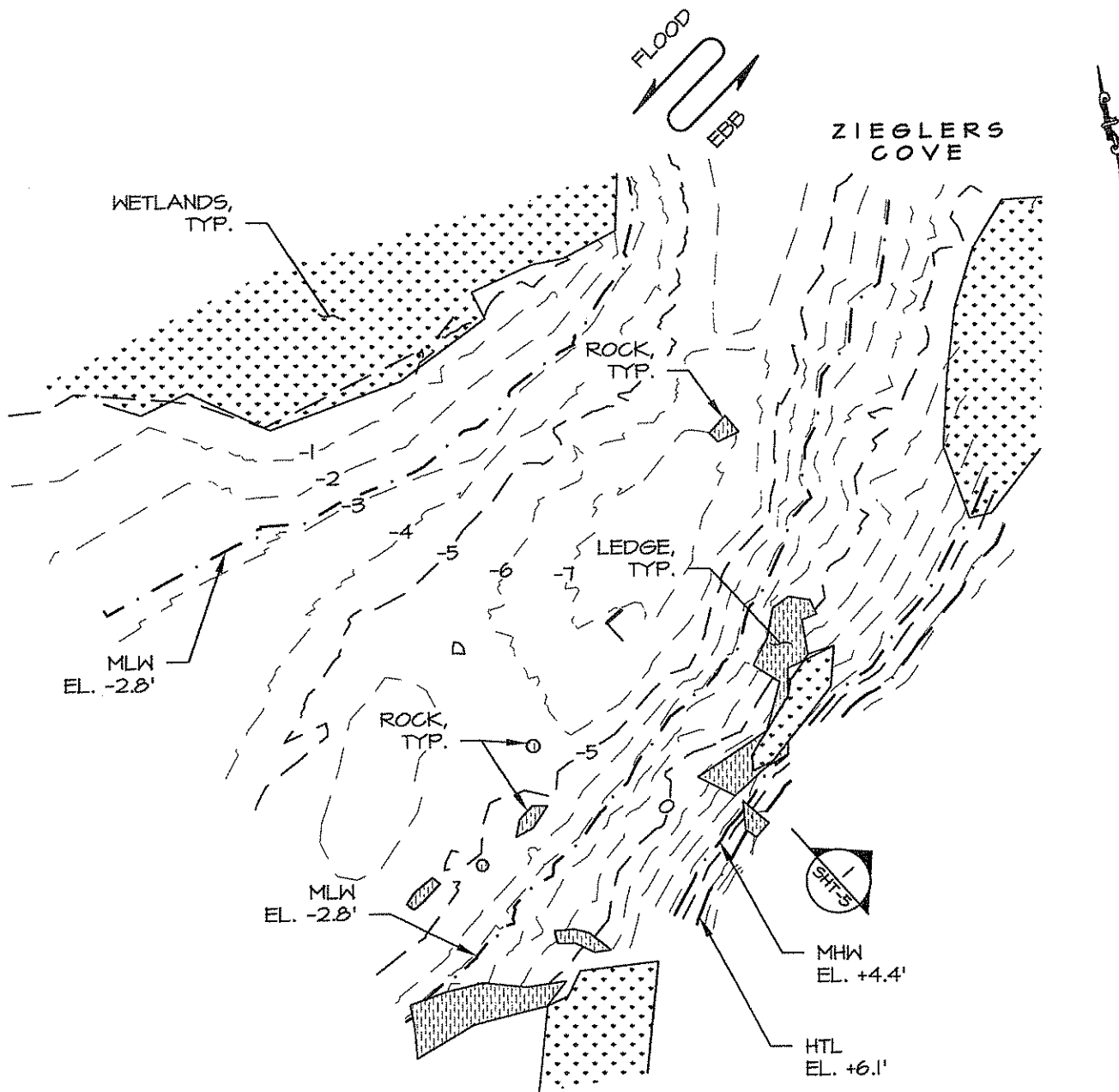
**RACE**

ROBERGE ASSOCIATES  
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Tel: 203-377-0663 [www.racellc.com](http://www.racellc.com)

Sheet 2 of 5





# EXISTING PARTIAL PLAN

SCALE: 1" = 50'

Drawn By: JMD

Checked By: DJS

Datum: NGVD 1929

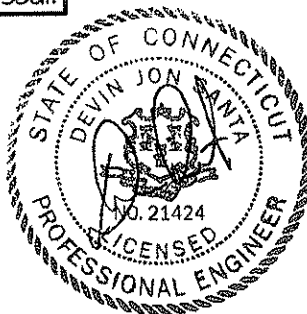
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Rev:

Project #: 200932

Seal:



Project:

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Applicant:

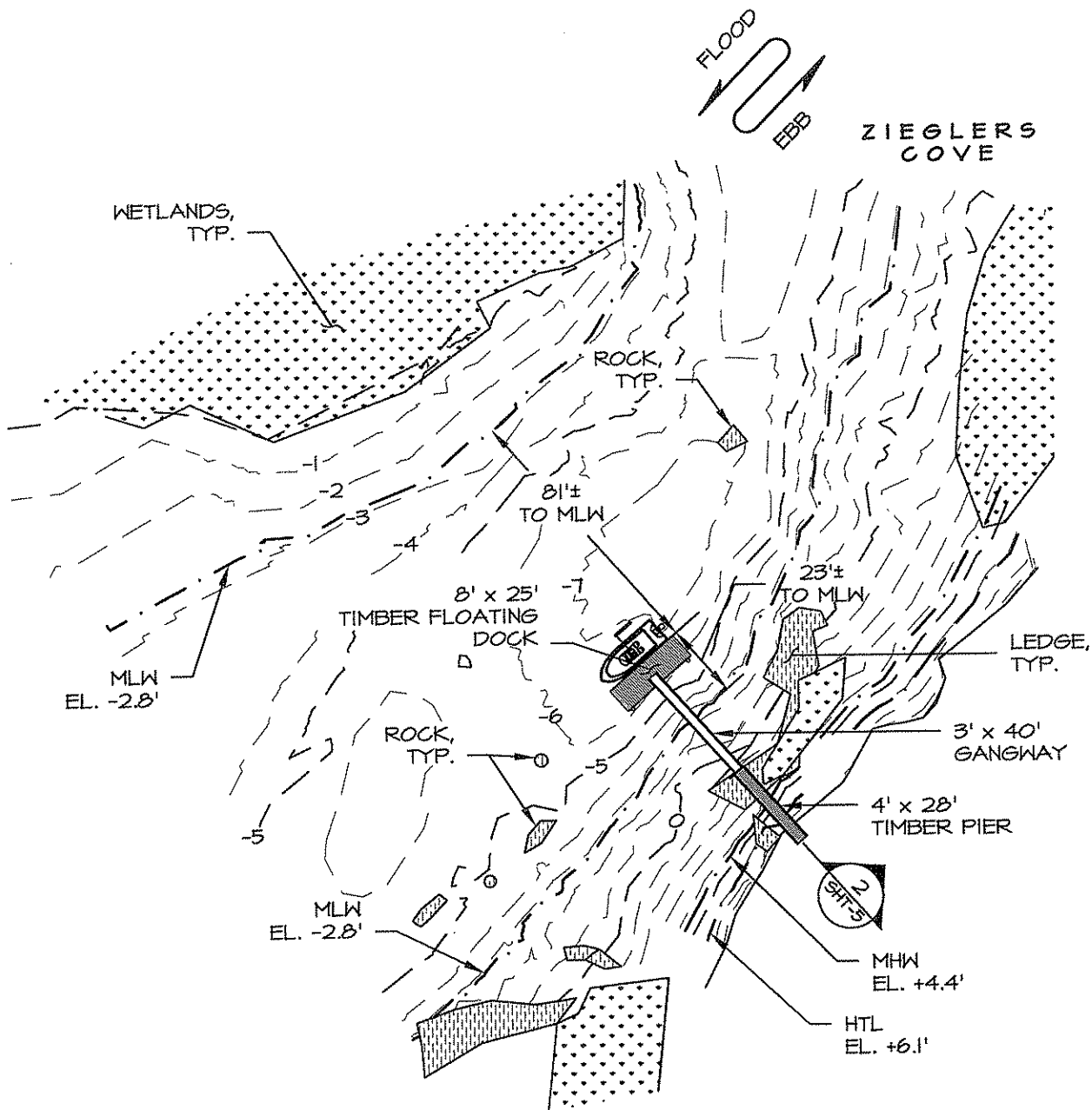
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**RACE**

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Coastal Engineers, LLC

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Sheet 3 of 5



### PROPOSED PARTIAL PLAN

SCALE: 1" = 50'

Drawn By: JMD

Seal:

Checked By: DJS

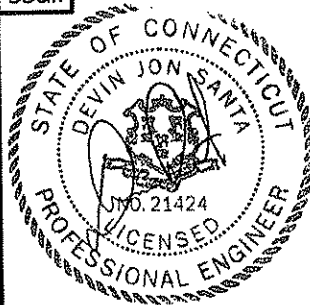
Datum: NGVD 1929

Scale: 1" = 50'

Date: 04-23-10

Rev 1:

Project #: 200932



Project:

CT-DEP PERMIT APPLICATION  
FOR RESIDENTIAL PIER  
RAMP & FLOATING DOCK  
ZIEGLERS COVE - L.I.S.

Applicant:

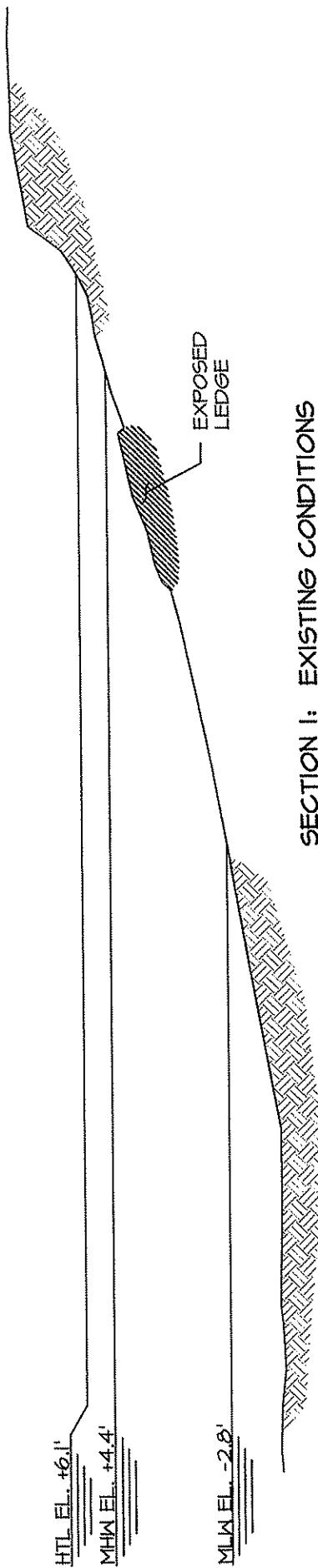
HAY ISLAND TRUST  
161 LONG NECK POINT ROAD  
DARIEN, CT 06820

# RACE

ROBERGE ASSOCIATES  
Coastal Engineers, LLC

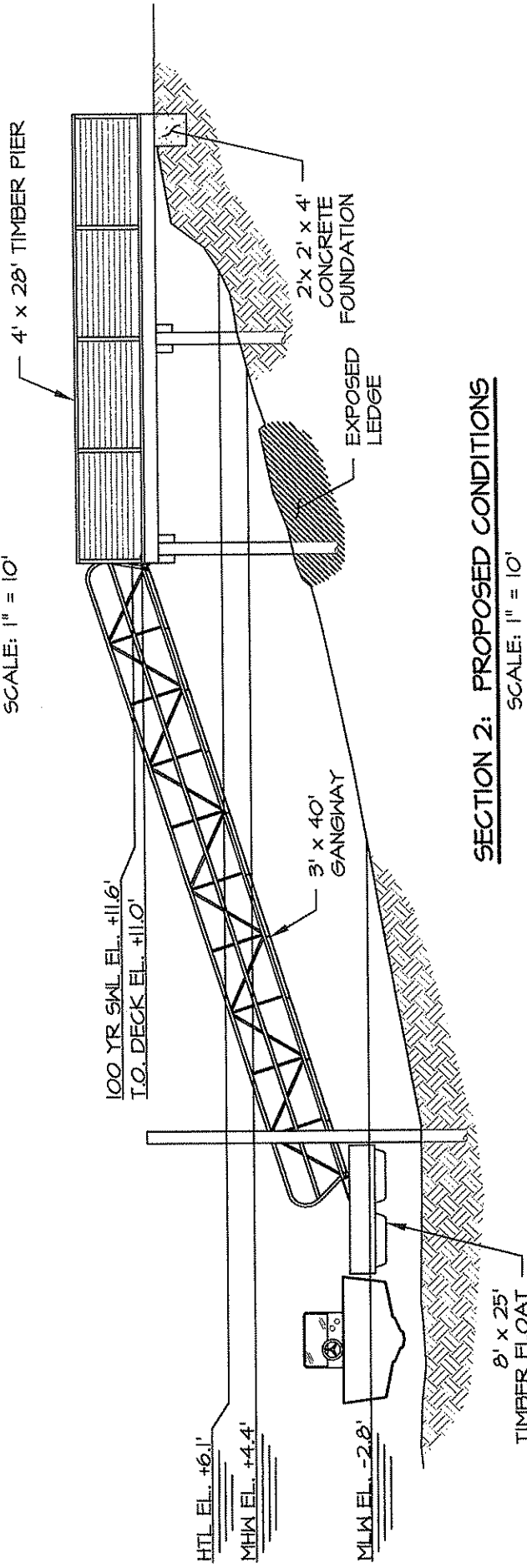
2499 Main Street, Unit F, Stratford, CT 06615  
Tel: 203-377-0663 www.racellc.com

Sheet 4 of 5



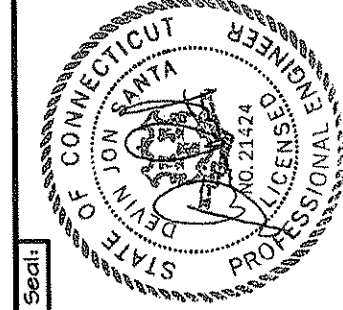
### SECTION 1: EXISTING CONDITIONS

SCALE: 1" = 10'



### SECTION 2: PROPOSED CONDITIONS

SCALE: 1" = 10'



Drawn By:	JMD
Checked By:	DJS
Datum:	NGVD 1929
Scale:	1" = 10'
Date:	04-23-10
Rev 1:	
Project #:	200432

Project:

CT-DEP PERMIT APPLICATION  
FOR RESIDENTIAL PIER  
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ZIEGLERS COVE - L.I.S.

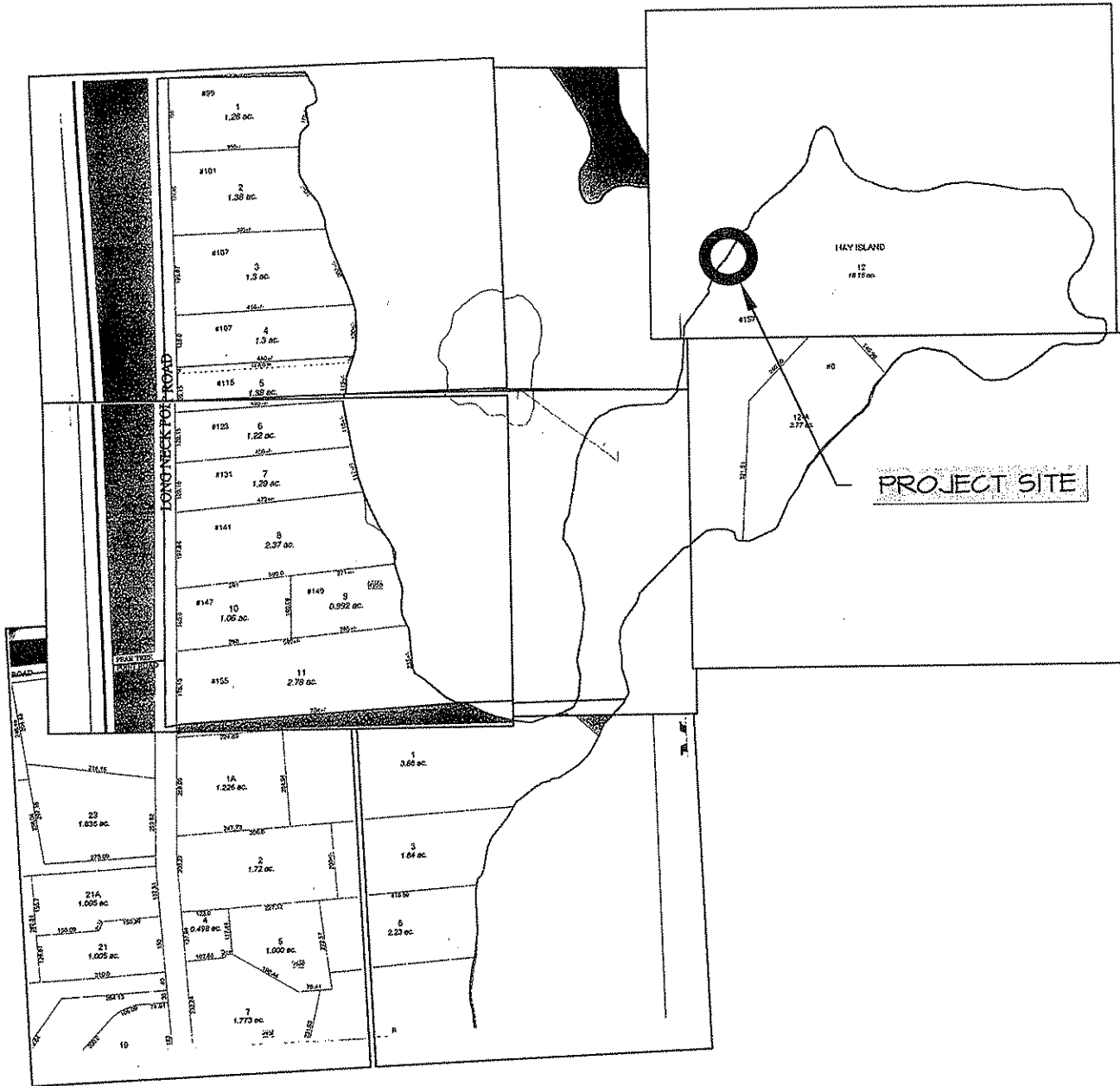
Applicant:

HAY ISLAND TRUST  
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DARIEN, CT 06820



ROBERGE ASSOCIATES  
Coastal Engineers, LLC

2499 Main Street, Unit F, Stratford, CT 06815  
Tel: 203-377-0663  
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### TAX ASSESSORS MAP

Drawn By: JMD  
 Checked By: DJS  
 Datum: N/A  
 Scale: N.T.S.  
 Date: 04-23-10  
 Rev:  
 Project #: 200932

Seal:

Project:

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Applicant:

HAY ISLAND TRUST  
 161 LONG NECK POINT ROAD  
 DARIEN, CT 06820

**RACE**

ROBERGE ASSOCIATES  
 Coastal Engineers, LLC

2499 Main Street, Unit F, Stratford, CT 06615  
 Tel: 203-377-0663 www.racellc.com

Sheet 1 of 1

OFFICE OF LONG ISLAND SOUND PROGRAMS

APPENDIX A

**TO: Permit Section**  
**Department of Environmental Protection**  
**Office of Long Island Sound Programs**  
**79 Elm Street**  
**Hartford, CT 06106-5127**

**PERMITTEE:** Mr. Renfrew Brighton  
Hay Island Trust  
161 Long Neck Point Road  
Darien, CT 06820

**Permit No:** 201002468-KF, Darien

**CONTRACTOR 1:** \_\_\_\_\_

Address: \_\_\_\_\_

Telephone #: \_\_\_\_\_

**CONTRACTOR 2:** \_\_\_\_\_

Address: \_\_\_\_\_

Telephone #: \_\_\_\_\_

**CONTRACTOR 3:** \_\_\_\_\_

Address: \_\_\_\_\_

Telephone #: \_\_\_\_\_

**EXPECTED DATE OF COMMENCEMENT OF WORK:** \_\_\_\_\_

**EXPECTED DATE OF COMPLETION OF WORK:** \_\_\_\_\_

**PERMITTEE:** \_\_\_\_\_  
(signature) (date)